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PROMOTION AND PROTECTION OF HUMAN RIGHTS: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 27 April 2001 from the Permanent Representative of Saudi Arabia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

On behalf of the delegations listed in the annex,* I have the honour to request that the attached joint statement be circulated as an official document of the fifty-seventh session of the Commission on Human Rights under agenda item 17 (a).

(Signed) Abdulwahab ATTAR
Ambassador
Permanent Representative

* Reproduced as received, in the language of submission only.

GE.01-13662 (E)

Annex

JOINT STATEMENT ON THE QUESTION OF THE DEATH PENALTY

(List of Co-sponsoring Delegations as in Annex)

We would like to place on record our disassociation from Commission on Human Rights resolution E/CN.4/2001/L.93 on the question of the death penalty for the following reasons:

(a) There is no international consensus that capital punishment should be abolished. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes". This view was reflected in the joint statement contained in the document E/CN.4/2000/162, in which 51 delegations disassociated themselves from a Commission on Human Rights resolution 2000/65. This view was also reflected in (i) the joint statement contained in the ECOSOC document E/1999/113 in which 50 delegations disassociated themselves from the Commission on Human Rights Resolution 1999/61, (ii) the joint statement contained in document E/1998/95 in which 54 delegations disassociated themselves from a Commission on Human Rights resolution 1998/8, (iii) the joint letter contained in document E/CN.4/1998/156 in which 51 delegations expressed their reservations prior to the adoption of the Commission on Human Rights resolution 1998/8, and (iv) the joint statement contained in document E/1997/106 in which 34 delegations disassociated themselves from a similar Commission on Human Rights resolution 1997/12.

(b) At the 54th UNGA in New York, a large majority of delegations disapproved of a draft resolution on the death penalty tabled by the EU. As a result, its co-sponsors decided to withdraw the EU draft resolution.

(c) In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, the President of the Conference declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no

international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes.

(d) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisoner to life. However, this must be weighed against the rights of the victims and the right of the community to live in peace and security.

(e) Every State has an inalienable right to choose its political, economic, social, cultural and legal systems, without interference in any form by another State. Furthermore, the purposes and principles of the Charter of the United Nations, in particular, Article 2, paragraph 7, clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Accordingly, the question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.

Annex

List of co-signatories: Joint Statement on the Question of the Death Penalty

1 People's Democratic Republic of Algeria
2 Antigua and Barbuda
3 State of Bahrain
4 People's Republic of Bangladesh
5 Barbados
6 Republic of Botswana
7 Brunei Darussalam
8 Republic of Burundi
9 People's Republic of China
10 Islamic Federal Republic of the Comoros
11 Arab Republic of Egypt
12 Republic of Equatorial Guinea
13 State of Eritrea
14 Federal Democratic Republic of Ethiopia
15 Republic of Fiji
16 Gabonese Republic
17 Republic of Ghana
18 Grenada
19 Republic of Guyana
20 Republic of Indonesia
21 Islamic Republic of Iran
22 Republic of Iraq
23 Jamaica
24 Japan
25 Hashemite Kingdom of Jordan
26 Republic of Kenya
27 Democratic People's Republic of Korea
28 State of Kuwait
29 Lao People's Democratic Republic
30 Republic of Lebanon
31 Republic of Liberia
32 Socialist People's Libyan Arab Jamahiriya
33 Malaysia
34 Republic of Maldives
35 Islamic Republic of Mauritania
36 Mongolia
37 Union of Myanmar
38 Federal Republic of Nigeria
39 Sultanate of Oman

40 Republic of the Philippines
41 State of Qatar
42 Republic of Rwanda
43 Saint Lucia
44 Saint Kitts and Nevis
45 Kingdom of Saudi Arabia
46 Republic of Sierra Leone
47 Republic of Singapore
48 Republic of the Sudan
49 Republic of Suriname
50 Kingdom of Swaziland
51 Arab Republic of Syria
52 United Republic of Tanzania
53 Thailand
54 Republic of Togo
55 Kingdom of Tonga
56 Republic of Trinidad and Tobago
57 United Arab Emirates
58 Socialist Republic of Vietnam
59 Republic of Yemen
60 Republic of Zimbabwe

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